

1 HANSON BRIDGETT LLP
DOROTHY S. LIU, SBN 196369
2 dliu@hansonbridgett.com
KENDALL C. FISHER-WU, SBN 322155
3 kfisher-wu@hansonbridgett.com
425 Market Street, 26th Floor
4 San Francisco, California 94105
Telephone: (415) 777-3200
5 Facsimile: (415) 541-9366

6 *Attorneys for Defendant*
CEMEX CONSTRUCTION MATERIALS
7 PACIFIC, LLC

8
9 **UNITED STATES DISTRICT COURT**

10 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

11
12 ROBERT ROSE and PAUL SIMI, on behalf
of themselves and those similarly situated,

13 Plaintiffs,

14 v.

15 CEMEX CONSTRUCTION MATERIALS
16 PACIFIC, LLC, and DOES 1 through 50,

17 Defendants.

Case No. 2:23-cv-01979-WBS-AC
(Sacramento Cty. Sup. Case No. 23CV004244)

**JOINT STIPULATION AND ORDER TO
CONTINUE HEARING DATE ON (1)
PLAINTIFFS' MOTION TO REMAND; (2)
DEFENDANT'S MOTION TO DISMISS;
AND (3) SCHEDULING CONFERENCE**

Judge: William B. Shubb
Date: January 22, 2024
Time: 1:30 p.m.
Crtrm.: 5, 14th Floor

Action Filed: July 6, 2023
Action Removed: September 13, 2023

1 IT IS HERE BY STIPULATED AND AGREED by and between Defendant CEMEX
2 CONSTRUCTION MATERIALS PACIFIC, INC. (“Defendant”) and Plaintiffs ROBERT ROSE
3 and PAUL SIMI (“Plaintiffs”) (collectively, the “Parties”) by and through their respective attorneys
4 of record, to continue the consolidated hearing date on Plaintiff’s Motion to Remand and
5 Defendant’s Motion to Dismiss, from December 11, 2023 at 1:30 PM to January 22, 2024 at 1:30
6 PM in Department 5 of the above-entitled Court, on the basis of the following, which establishes
7 good cause for a continuance:

8 (1) Defense counsel originally scheduled October 30, 2023 for hearing on Defendant’s
9 Motion to Dismiss. In the meanwhile, Plaintiff’s counsel scheduled their hearing on Plaintiff’s
10 Motion to Remand for December 11, 2023.

11 (2) On October 16, 2023, this Court consolidated both hearing dates and re-set
12 Defendant’s Motion to Dismiss for December 11, 2023 [Dkt. 13].

13 (3) Defense counsel began trial on November 8, 2023 in another matter in Riverside
14 County Superior Court (*Armstrong v. Life Care Centers of America, Inc.*, Case No. RIC1902845),
15 with trial scheduled to last through at least December 15, 2023, and possibly into the week of
16 December 18 - 22, 2023. The parties have met and conferred regarding the conflict that has arisen
17 and agreed to continue the consolidated hearings currently set for December 11, 2023 in this matter.

18 Based on the above, the Parties stipulate that the hearings set for Plaintiff’s Motion to
19 Remand and Defendant’s Motion to Dismiss be continued from December 11, 2023 at 1:30 PM to
20 January 22, 2024 at 1:30 PM or as soon thereafter as the Court may hear it; and that the Scheduling
21 Conference set for January 29, 2024 at 1:30 PM is continued to March 25, 2024 at 1:30 PM, or as
22 soon thereafter as possible subject to the Court’s availability.

23 SO STIPULATED AND AGREED.

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SIGNATURE CERTIFICATION

It is attested that all signatories listed below and on whose behalf this filing is submitted concur in the filing's content and have authorized this filing, including the use of /s/ electronic signatures.

DATED: November 14, 2023

HANSON BRIDGETT LLP

By: /s/ Kendall C. Fisher-Wu
DOROTHY S. LIU
KENDALL C. FISHER-WU
Attorneys for Defendant
CEMEX CONSTRUCTION MATERIALS
PACIFIC, LLC

DATED: November 14, 2023

BEESON, TAYER & BODINE, APC

By: /s/ Sarah Kanbar
COSTA KERESTENZIS
SARAH KANBAR
Attorneys for Plaintiffs
ROBERT ROSE And PAUL SIMI

1 **ORDER**


2 Based on the foregoing Stipulation, the Court finds good cause exists for a continuance of the
3 consolidated hearing on Plaintiff's Motion to Remand and Defendant's Motion to Dismiss, and
4 ORDERS as follows:

5 1. The consolidated hearing on Plaintiff's Motion to Remand and Defendant's Motion to
6 Dismiss and all related deadlines shall be continued from December 11, 2023 at 1:30 PM to
7 **January 22, 2024, at 1:30 PM**, or as soon thereafter as the Court may hear it.

8 2. The Scheduling Conference set for January 29, 2024 at 1:30 PM is continued to
9 **March 25, 2024 at 1:30 PM.**

10 IT IS SO ORDERED:

11 Dated: November 14, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE